



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 28, 1998

Mr. Jay Youngblood
Henslee, Fowler, Hepworth & Schwartz
1114 NationsBank Building
110 N. College Avenue
Tyler, Texas 75702

OR98-2529

Dear Mr. Youngblood:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID # 119186.

Pittsburg Independent School District (the "school district") received a request for the agendas and minutes of board meetings from May 1996 through January, 1997. You contend that the requested information is exempt from disclosure under the litigation exception of the Open Records Act. You have submitted to this office the requested information and a copy of the amended complaint styled *Lanell Bradshaw v. Pittsburg Independent School District, et al.*, Cause No. 2:97CV165-DF in the United States District Court, Eastern District of Texas, Marshall Division.

We have considered the exception you claim and have reviewed the documents at issue. The school district may not withhold from public disclosure information that has been publicly disseminated, like the agenda for the meetings of the school board. Moreover, the minutes of an open meeting conducted pursuant to the Open Meetings Act, chapter 551 of the Government Code are made public by statute. Gov't Code § 551.022.

Although you have established that the school district's minutes are related to pending litigation as required by section 552.103(a) of the Government Code, the minutes must be disclosed. This office held under the Texas Open Records Act, V.T.C.S. art. 6252 17a, the predecessor to Government Code Chapter 552, that the minutes of meetings of a school board fall into that category of documents that must be made available to the public as a matter of due process.


It is clear that official records of the public proceedings of a governmental body are among the most open of records, and this office has

specifically held minutes of a school board to be public under the Open Records Act. Open Records Decision Nos. 91 (1975); 60 (1974). . . . We doubt that the section 3(a)(3) exception [the litigation exception] could ever be applied to except these records.

Open Record Decision No. 221 at 1 (1979). *See also* Open Records Decision 551 at 2 (1990). You must release the requested records.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Emilie F. Stewart
Assistant Attorney General
Open Records Division

EFS\nc

Ref: ID# 119186

Enclosures: Submitted documents

cc: Ms.LaNell Weesner Bradshaw
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(w/o enclosures)